19 49. **File No.** Police II/49 (R)

Legal Deptt.

P 3 E

B. BRANCH

Subject:— Notifications issued under the Indian Police Act 1861

File No. Police II /49(R). 418-B.

Gen. 194

Legal Department.

A revised draft notification is sent herewith.

Sd/- J.R.D.
27-4

Additional Secretary to Government.

U.R. to H.D. No. 4629, dated the 25th April 1946.

H.R.D.
2-6-46
C.A

LR
816

K.S.R.
816

Publication.
Home Department,
Bombay Castle, April 1949.

The Police Act, 1861.

No. 6669/5.- In exercise of the powers conferred by sub-section(1) of section 46 of the Police Act, 1861(Act 1861), the Government of Bombay is pleased to extend the whole of the said Act to the villages belonging to the following Mahwasi Chiefs, namely:-

(1) the Parvi of Kanthi, (2) the Parvi of Nal,

(3) the Parvi of Singpur, (4) the Walui of Ceobali,

(5) the Wanawan of Chikhli, and (6) the Parvi of Devalpur.

By order of the Governor of Bombay,

Secretary to Government.

M.R.D.
2-6-56
C.4

Legal Department.

The question for consideration is whether the proposed Regulation in respect of Mahsood Estates, includes the Police Act, 1861(I of 1861) in its scope and if so whether it is necessary to issue a notification at p. 25 ante.

2. The Police Act, 1861, is peculiar in many respects. It does not contain an extension clause even though by implication it extends to British India. Secondly, section 46 of the Act specifically provides that this Act shall not by its own operation take effect in any Presidency, Province or place. But the Provincial Government may extend the whole or any part of this Act to any Presidency, Province or place. In view, however, of the power given to the Provincial Government to extend the Act to any place, the Provincial Government is enabled to extend it to to the areas of Mahsood Chiefs and the said Act would, therefore, be covered by clause(b) of section 2 of the proposed Regulation as the territory of the Mahsood Estates, as a part of the Scheduled district, has not been excluded from the scope of the Act. The Police Act, 1861 would be in force under calnse(b) of section 2 of the proposed Regulation subject to the powers contained in section 46 namely that the Act shall not by its own operation take effect in any Presidency, Province or place unless the Provincial Government extends it by an order published inthe Official Gazette. It is, therefore, necessary to issue the proposed notification at P. 25a ante, extending the Act to the territory of Mahsood Estate.

J.R.D.

Sd/-
24-6
Additional Secretary to Government.

U.R. to H.D. No., 7000 dated the 24th June 1949.

H.R.D.
2-6-95
C.4